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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Kari KIRJAVAINEN, et al.

Serial No.: 08/981,360

Group No.: 1772

Filed: December 18, 1997

Examiner: C. Bruenjes

For: TUBULAR PRODUCT AND EXTRUSION APPARATUS AND METHOD

Attorney Docket No.: U 011574-0

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attention: Francis Hicks
Petitions Examiner
Office of Petitions

RENEWED PETITION

The Decision on Petition of October 4, 2007, finds that the Petition for revival under 37 CFR 1.137 lacks a statement from the applicant that the entire term of the abandonment was unintentional on the basis of a statement from the Patent Office in the Notice of Abandonment. As the necessary statement must come from the applicant, the statement from the Patent Office has little or no bearing.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

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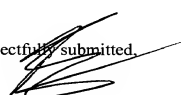
Date: October 10, 2007

William R. Evans
(type or print name of person certifying)

The statement from the Patent Office fails to indicate the time of the applicant's statement that the application was abandoned. Such statement is believed to have been made on November 9, 2006, as shown by the attached copy of a note of a telephone conference with Examiner ("tel c/w Ex"), when the application was, in fact, abandoned. Such statement of fact is not, however, expressive of any intention in relation thereto. The fact of abandonment is not an intention therefor, whereby the abandonment remains unintentional as in the statement of February 15, 2007, for the Petition.

Neither can any inference be drawn from the time from the statement of fact to the Petition. The Patent Office asked about abandonment November 9, 2007, and may have believed the applicant's statement of the fact thereof as now implied, but the Office first notified the applicant of abandonment November 15, 2007, whereby the Petition is within three months thereof, which complies with MPEP 711.03(c), and compares favorably to the Decision in October on a February Petition.

Respectfully submitted,



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